IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5762 of 2007()

CRIME NO.350/07 OF PUDUKKAD POLICE STATION

.....

: PETITIONER/PETITIONER/2ND ACCUSED

BINOJ, S/O. VELUKUTTY,
KUNNATHUVALAPPIL HOUSE, THRIKKUR VILLAGE,
PALLIYARA DESOM, THRISSUR.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS: RESPONDENT/COMPLAINANT/STATE

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5762 of 2007

Dated this the 26th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused in a crime registered under Section 399 I.P.C and Section 27 of the Arms Act. The crux of the allegations in the crime is that 5 accused persons including the petitioner were found together making preparations of dacoit. Accused 1 and 5 took to their heels and could not be apprehended. Petitioner and two others were apprehended on 5.8.07. They continue in custody from that date. Investigation is in progress. The learned Public Prosecutor points out that the petitioner has one prior antecedents of criminality - an offence under Section 395 I.P.C, in which he is an accused.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that appropriate safe guards may be provided, the 1st accused having not been apprehended so far and I am satisfied in the facts and circumstances of this case that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-